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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**CONCEPT**

**OF CONDUCTING THE PAN-EUROPEAN CONFERENCE**

**ON CONSTITUTIONAL MONITORING**

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## **CONCEPT OF CONDUCTING THE PAN-EUROPEAN CONFERENCE ON CONSTITUTIONAL MONITORING**

On 12 March, 2016 the Venice Commission of the Council of Europe at the 106<sup>th</sup> Plenary Session approved the initiative of the President of the Constitutional Court of RA for conducting a conference on constitutional monitoring.

The Commission endorsed G.G. Harutyunyan to prepare and present for the 107<sup>th</sup> Plenary Session a corresponding concept and organizational mechanisms for conducting the given forum while considering the identification of possibilities for the application of “Rule of Law checklist” (adopted at the 106<sup>th</sup> Plenary Session of the Commission) in the process of systemic constitutional monitoring.

The expediency of conducting an international conference on constitutional monitoring is conditioned by the necessity of:

- Development of more efficient legal mechanisms for overcoming the deficit of constitutionalism in contemporary society, exclusion of accumulation of negative social energy which after achieving a critical mass may bring to social cataclysms;
- Identification of the bottlenecks for ensuring sustainable and dynamic supremacy of Constitution and further enhancement of the mechanisms of judicial constitutional control;
- Effective guaranteeing of the rule of law, assurance of sustainable democratic development;
- Identification of possibilities for application of “Rule of Law Checklist” for conducting permanent constitutional diagnostics and monitoring;
- Development of precise recommendations for the unification of mechanisms on conducting systemic constitutional monitoring with the application of “Rule of Law Checklist” in different legal systems.

It is proposed to conduct the given three-day conference in Yerevan, October 20-23, 2016 combining it with the Annual Yerevan International Conference dedicated to the topical issues of constitutional justice.

### **Three issues are proposed for discussion:**

1. The role of Constitutional Courts in overcoming legal gaps and legal uncertainty;

2. The role and place of systemic constitutional monitoring in enhancement of the system of constitutional control and overcoming of the deficit of constitutionalism;
3. Role and meaning of “Rule of law checklist” in the process of conducting permanent constitutional diagnostics and monitoring.

**It is proposed to present two reports up to 20-25 minutes for each issue.**

**For the discussion each participant will be given up to 10 minutes for their presentations and up to 3 minutes for precise recommendations.**

Upon prior consent delegations from constitutional courts of more than twenty countries, as well as up to 15 Judges of the European Court of Human Rights and three former Judges of the European Court expressed their desire to have active participation in the given conference.

The Constitutional Court of the Republic of Armenia covers the costs of accommodation, meals and local transportation of the foreign delegations, as well as provides assistance in any further organizational matters.

The Venice Commission’s financial contribution for organizing the given forum is supposed to be within the amount, already foreseen for the 2016 Yerevan International Conference.

The Constitutional Court of RA proposes three of its representatives as keynote speakers.

The participation of three speakers on behalf of the Venice Commission is envisaged.

The form of invitation of delegations and experts to the given conference and the list of invitees will be agreed with the Secretariat of the Venice Commission.

**G. HARUTYUNYAN**

**The President of the CC of RA, Member of the Bureau of the Venice Commission**

09.05.2016